

2 EHB 1936 - S AMD 270

3 By Senators Jacobsen and Horn

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 79.90.105 and 1989 c 175 s 170 are each amended to
8 read as follows:

9 (1) The abutting residential owner to state-owned shorelands,
10 tidelands, or related beds of navigable waters, other than harbor
11 areas, may install and maintain without charge a dock on such areas if
12 used exclusively for private recreational purposes and the area is not
13 subject to prior rights. This permission is subject to applicable
14 local regulation governing construction, size, and length of the dock.
15 This permission may be revoked by the department upon finding of public
16 necessity which is limited to the protection of waterward access or
17 ingress rights of other landowners or public health and safety. The
18 revocation may be appealed as an adjudicative proceeding under chapter
19 34.05 RCW, the administrative procedure act. Nothing in this section
20 prevents the abutting owner from obtaining a lease if otherwise
21 provided by law.

22 (2) The abutting residential owner to state-owned shorelands,
23 tidelands, or related beds of navigable waters, may anchor to the
24 owner's buoy without charge if the boat that is anchored is used for
25 private recreational purposes and the area is not subject to prior
26 rights. Buoys cannot be sold or leased separately from the upland
27 residence. The mooring buoy cannot be used for commercial, transient,
28 or residential use. One buoy may be installed without charge for the
29 first one hundred feet of shoreline property owned, and one additional
30 buoy may be installed without charge for every one hundred feet of
31 shoreline property owned above the initial one hundred feet. The
32 permission granted in this subsection is subject to the boat or mooring
33 system not posing a hazard or obstruction to navigation or fishing or
34 habitat degradation. This subsection also applies to areas that have
35 been designated by the commissioner of public lands or the fish and
36 wildlife commission as aquatic reserves. This permission may be

1 revoked by the department if the department makes a finding of public
2 necessity to protect waterward access or ingress rights of other
3 landowners or public health or safety. The revocation may be appealed
4 as an adjudicative proceeding under chapter 34.05 RCW, the
5 administrative procedure act. Nothing in this subsection authorizes a
6 boat owner to abandon a vessel at a buoy or elsewhere."

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10 On page 1, line 1 of the title, after "buoys;" strike the remainder
11 of the title and insert "and amending RCW 79.90.105."

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